

Recommended Zoning Administrator Action:

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find that the Zoning Administrator has considered the Addendum to the Commercial Cannabis Land Use Ordinance (CCLUO) as described by Section §15164 of the State CEQA Guidelines, make all of the required findings for approval of the Special Permits and adopt the Resolution approving the Humboldt Spirit, Inc. project subject to the recommended conditions.

Executive Summary: The applicant is seeking a Special Permit for 22,000 SF of new outdoor commercial cannabis cultivation, in addition to PLN-11905-ZCC which is an approved permit for 4,000 SF of existing outdoor commercial cannabis cultivation and 6,000 SF of existing mixed-light cultivation. The combined projects will total 32,000 SF of commercial cannabis cultivation. The project is supported by 1,700 square feet of existing propagation space and an additional 1,500 square feet of propagation space is proposed for a total of 3,200 square feet of propagation space. All processing will occur onsite in the proposed 2,400 square foot commercial processing and drying structure. The proposed structure will include an ADA complaint restroom (**Condition A.1**). The existing application utilizes the guest house and garage for processing, however, due to these structures being located within the refuge watershed and a new processing facility being proposed, the use of these structures for processing will be discontinued prior to implementation of the expansion authorized under this Special Permit.

The project was referred to the Division of Environmental Health which recommended that the applicant be required to obtain an approved onsite wastewater treatment if processing will be occurring onsite. Alternatively, the applicant may process offsite and provide portable toilets to serve the operation. The applicant is proposing to process onsite, therefore a condition of approval will require the applicant to install an onsite wastewater treatment system associated with a permitted structure and ADA compliant restroom (**Condition A.1**).

Water Resources

Water for irrigation of the existing project is sourced from an existing rainwater catchment system. The new cultivation will utilize a proposed 1,000,000-gallon rainwater catchment pond. Until such time the proposed pond can be instructed, the applicant will utilize the 930,626-gallon rainwater catchment pond on the adjacent parcel under the same ownership (APN 222-071-030). The projected annual water usage for the combined projects totals 484,500 gallons (15.1 gal/SF). Existing available water storage onsite totals 207,000 gallons, which will increase to 1,207,000 gallons upon the completion of the rainwater catchment pond.

Consistency with Humboldt County Board of Supervisors Resolution No. 18-43

Planning staff determined approval of this project is consistent with Humboldt County Board of Supervisors Resolution No. 18-43, which established a limit on the number of permits and acres which may be approved in each of the County's Planning Watersheds. The project site is located in the South Fork Eel Planning Watershed, which under Resolution 18-43 is limited to 730 permits and 251 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 300 permits and the total approved acres would be 81.25 acres of cultivation.

Energy Resources

Energy for the existing operation is sourced from an existing solar array consisting of eight 305-watt solar panels. The applicant is proposing to install an additional eight 305-watt solar panels to support the increased energy demands of the expansion. The panels are used to charge eight 385AH L16 batteries and the applicant is proposing to obtain an additional eight batteries. This is required to be completed prior to initiating operations (**Condition A.2**). Energy is required to power the lighting in the mixed light greenhouses, propagation greenhouses, and the fans and dehumidifiers in the processing building. The site is also equipped with a 14-kW Kohler propane generator which will serve the operation in emergency situations.

Biological Resources

The applicant submitted a *Biological Assessment* prepared by ETA Humboldt with site visits conducted on January 28, 2021, and December 2, 2021. The report documented nine unnamed Class III watercourses, tributary to Sprowel creek and Durphy Creek. No aquatic habitats were observed during the site visit. The Humboldt WebGIS shows there being a Northern Spotted Owl activity center approximately 1 mile away from the project site. The applicant was required to submit a *Northern Spotted Owl Survey* as an addendum to the *Biological Assessment*, prepared by a qualified professional. The report states that following a site visit and visual survey neither Northern Spotted Owl or marbled murrelet habitat exists onsite. Noise and light attenuation measures have been included as ongoing requirements for the project. The applicant is required to adhere to International Dark Sky standards (**General Condition B.6**). A *Botanical Survey* was conducted by ETA Humboldt on October 30, 2020, and April 21, 2021. The survey did not result in the identification of any rare or endangered species, and does not provide any recommendations. The applicant is required to submit, and implement, and Invasive Species Management Plan which identifies the invasive species onsite and provides a plan outlining the removal efforts. Compliance with this condition will be assessed at the applicants annual inspection (**Condition A.1**). According to the information provided in the *Biological Assessment* and *Botanical Survey* completed by ETA Humboldt and the *Northern Spotted Owl Survey* submitted by Leopardo Wildlife Associates, the proposed project is not anticipated to impact any special status plant or animal species, or sensitive natural communities.

A portion of the subject parcel is located in the Sprowl Creek refuge watershed. The parcel was surveyed by a qualified surveyor which resulted in the applicant being required to modify their proposal to maintain all cultivation related infrastructure east of Ranch Road. The proposed project is not located within the Sprowl Creek refuge watershed. The project was referred to the California Department of Fish and Wildlife (CDFW) which did not respond to the referral sent by the County.

Noise

The applicant submitted a *24-hour Noise Source Assessment* which documented average ambient noises level of 56 dB, as recorded from three property lines. An ongoing requirement for the project will require the applicant to maintain project related noise levels at or below 59 decibels of continuous noise as measured from the property line (**General Condition B.5**). No generators are authorized as the primary energy source for the project.

Tribal Cultural Resource Coordination

The project site is located in the Intertribal Sinkyone Wilderness Council and Bear River Band of the Rohnerville Rancheria aboriginal territories. The applicant submitted a *Cultural Resource Investigation*, prepared by Archaeological Research and Supply Company, dated April 2021. The proposed project is not anticipated to impact any tribal cultural resources. The project was referred to the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. A response was received from the Bear River Band, which requested that the applicant adhere to the Inadvertent Discovery Protocol. This has been included as an ongoing requirement of the project.

Access

The project site is located off Ranch Road which is accessed from Sprowel Creek Road. This section of Sprowel Creek Road is a county-maintained roadway. The project was referred to the Department of Public Works Land Use Division who recommended that the applicant implement any recommendations made within the *Engineers Road Evaluation Report*. The report recommends that the applicant widen the pinch point at mile point 1.6 to improve the blind corner, this recommendation has been included as a condition of approval (**Condition A.4**). The Department of Public Works also recommended that the applicant obtain an encroachment permit and gravel the intersection where Sprowel Creek Road and Ranch Road intersect, for a length of 50 feet and width of 20 feet. This recommendation has been included as a condition of approval for the project (**Condition A.5**).

Environmental review for this project was conducted and based on the results of that analysis, staff finds that all aspects of the project have been considered in a previously adopted Environmental Impact Report that was adopted for the Commercial Cannabis Land Use Ordinance and has prepared an addendum to this document for consideration by the Zoning Administrator (See Attachment 2 for more information). Staff recommends that the Zoning Administrator describe the application as a part of the consent agenda, survey the audience to see if any person would like to discuss the application and, if no one requests discussion, make all the required findings based on the evidence in the record and approve the application subject to the recommended conditions.

Alternatives: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.